United Nations A/70/310

General Assembly

Distr.: General
11 August 2015

Original: English

Seventieth session
Item 73 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Special Rapporteur on the human rights of migrants, Mr. François Crépeau

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human rights of migrants, Mr. François Crépeau, in accordance with General Assembly resolution 67/172 and Human Rights Council resolution 17/12.

* A/70/150.

15-13569 (E) 260815

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Summary

The present report outlines the main activities undertaken by the Special Rapporteur on the human rights of migrants during the reporting period since his last report to the General Assembly.

The thematic section of the report discusses the impact of recruitment practices on the human rights of migrants, particularly low-wage workers, during labour migration. It articulates concern about the apparent growing prevalence of severe exploitation and abuse suffered by migrants at the hands of unethical recruiters, intermediaries and subagents in both countries of origin and destination. It recommends a comprehensive and human rights-based framework to achieving wholesale transition towards an ethical system of recruitment.

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I. Introduction and summary of recent activities

1. The present report is submitted pursuant to Human Rights Council resolution 17/12. It briefly outlines the activities of the Special Rapporteur on the human rights of migrants between 1 August 2014 and 31 July 2015. The thematic section of the report is dedicated to recruitment practices among migrant workers.

A. Participation in consultations and conferences

2. In November 2014, the Special Rapporteur organized an international consultation on recruitment practices and migrant workers. This consultation convened experts from civil society organizations, the International Labour Organization (ILO), the International Organization on Migration (IOM), Governments, including chairs of the Colombo and Puebla regional consultative dialogues, as well as from academic and legal institutions. A full list of participants is available in the annex found on the Special Rapporteur's website. The Special Rapporteur expresses his gratitude for those who attended. The output from this consultation, alongside the findings of the country visits of the Special Rapporteur, his related thematic work, and research undertaken using a number of analytical reports have informed the present report.

3. The Special Rapporteur contributed to a number of international and regional dialogues and conferences, including the European Union Fundamental Rights Agency's annual conference themed on migrants' rights, the Global Forum on Migration and Development and the UNHCR dialogue on protection at sea of the Office of the United Nations Human Rights Commissioner for Refugees.

B. Country visits

4. The Special Rapporteur conducted a visit to Italy from 2 to 6 December 2014. He found that, despite a challenging economic and political climate, Italy has taken bold initiatives to address the unprecedented number of migrants and asylum seekers arriving by boat.

5. The Special Rapporteur subsequently visited Malta from 6 to 10 December 2014. Following this visit, he described how Malta must expect continued growth in the unprecedented number of migrants and asylum seekers arriving by boat and develop programmes to cope.

C. European Union follow-up

6. These visits were complemented by a visit to the European Union in Brussels, as part of a follow-up to the Special Rapporteur's 2012 year-long study on the management of the external borders of the European Union. The Special Rapporteur reported the key findings in his follow-up report on European Union border management (A/HRC/29/36) to the Human Rights Council in June.

II. Recruitment practices and the human rights of migrants

A. Introduction

7. The Special Rapporteur on the human rights of migrants has paid particular attention to recruitment practices as one of the key areas of work for his mandate. This hugely complex and challenging issue is gaining prominence within debates relating to the human rights of migrants. The Special Rapporteur is concerned about the apparent growing prevalence of severe exploitation and abuse suffered by migrants at the hands of recruiters and subagents in countries of origin and destination.

B. Trends relating to recruitment practices and the human rights of migrant workers

8. Some 232 million international migrants are living in the world today.[1] Official estimates of the number of workers among these migrants are lacking. However, there is broad consensus that it is significant. An estimated 74 per cent of migrants living abroad are of working age.[1] Most migrant workers originate from developing countries, with 59 per cent settling in developed regions, where they make up about 11 per cent of the population. Currently, however, there is a rise in South-South migration, in particular in Asia, which has witnessed an increase of 41 per cent in the number of migrants living in the region.[1] Asia and Europe are the two main regions hosting international migrants.

9. Contemporary international labour migration is driven by many factors. Globalization and neoliberal economic policies that promote deregulation of labour markets, has played a large role. Poverty, discrimination, violence, conflict, political upheaval and poor governance are also key push factors that influence migrants' decisions to seek work abroad.

10. Precarious migration routes, the use of which has grown exponentially within the last few years, tend to be mixed migration channels with migrants seeking to improve their economic and social situation, choosing to take significant risks to try to improve their lives and those of their families. There is also not always a neat delineation between economic migrants and asylum seekers. Many asylum seekers also seek economic opportunities and can become vulnerable to labour market-related human rights abuses. Migrants who may not meet asylum criteria often leave their countries of origin in a position of precariousness because of extremely difficult economic and environmental factors. In that sense, both asylum seekers and such economic migrants are "survival migrants", experiencing migration as the only way out of dire straits.

11. Labour migration and related recruitment practices can take many different forms, depending upon the skill level and countries of origin and destination of migrants. The focus of the present report is specifically on practices of exploitation and abuse experienced by low- to medium-wage workers migrating from the Global South. Despite recent decreases in some forms of labour migration owing to the economic downturn, the use of low- and/or medium-wage workers on precarious,

[1] Report of the Special Rapporteur on migration, "World Migration in Figures" (A/69/302).

short-term contracts has significantly increased. The unethical recruitment referred to throughout the report refers to recruitment practices that do not respect the human rights of migrants.

12. Much of this type of migration is organized by intermediaries, known as recruitment agents or agencies that in some cases are legally mandated. These intermediaries can be a legitimate form of support within the migration process but all too often they ruthlessly exploit and abuse the migrants' precarious situation. The issue of exploitation of migrant workers by recruitment intermediaries is apparent in many regions around the world. Key sectors in which, facilitated by private recruiters, low-wage migrants' work include: agriculture, construction, service industry, hospitality, tourism, factory work in textiles and garments, food processing and packaging, fisheries, extraction, and domestic work.

13. There are weaknesses in data collection systems relating to labour migration, and a tendency of unethical recruitment practices to take place in an underground, opaque and covert way. Therefore, gaining a systemic picture of migration patterns is challenging. Available data suggests that the use of and number of recruitment agencies is growing, as is the related abuse of human rights and suffering among migrants.

C. Recruitment intermediaries and human rights

1. The role of recruiters in the migration process

14. Broadly, recruitment agencies are a form of migration intermediary who profit from brokering contracts between those willing to leave their country of origin to better their economic situation and employers in countries of destination that need workers. Recruitment agencies can play a legitimate role in migration processes, when they are appropriately regulated and fees associated with recruitment are charged to the employers. While there are examples of ethical recruiters who place the rights of migrants at the centre of their business model, this is sadly not the norm. References to recruiters and subagents throughout the report are to those unscrupulous recruiters who do not consider the rights of migrants. The current recruitment system facilitating labour migration of low wage migrants is governed by a narrow and short-term conceptualization of self-interest, which exploits the commitment of migrants to better their economic situation and that of their families.

15. The intermediation landscape is complex owing to the large number of actors involved. There are many recruitment agents operating, with or without proper registration, in addition to which there are multiple levels of subagents, to whom work is passed by the main agents. Such subagents commonly have the role of finding migrant labourers in countries of origin, particularly outside of urban centres, and often work through informal networks of previous migrants and their friends and family. Subagents, who typically work on commission, then refer migrants to recruiters but can continue to play an ongoing role as intermediaries. The ongoing responsibilities of subagents can include lodging passport applications; helping the clients to undertake any medical tests; and dealing with the recruiting agency in order to obtain visas. In some cases, the subagents also accompany their clients to the airport and help them with all necessary departure formalities.

16. The relationship between recruitment practices amongst agencies and subagents and the immigration status of migrants is complex. Recruiters do facilitate regular opportunities, whereby migrants arrive in countries of destination with a legitimate visa. However, there are some cases where agents have also been reported to create fake documents to facilitate entry into destination countries, thus leaving migrants in an irregular situation when they arrive. Migrants can also find themselves in a situation of immigration irregularity if they overstay their visas or lose employment that is a condition of their visa.

17. The role of recruiters and subagents does not end when migrants reach countries of destination. They can continue to play an ongoing role in the experiences of migrants through, for example, arranging housing and/or acting as landlords, collecting ongoing payments for recruitment fees or debt incurred by migrants during recruitment, and renewing work permit for migrants, often for further fees. Migrants may also need to deploy the services of recruiters in countries of destination, as they often experience low job security. Migrants' visas are often tied to their employment, leaving them vulnerable to pay additional recruitment fees to recruiters if they lose their job when in the country of destination. Migrants can therefore become caught in a vicious cycle where they have to redeploy and pay for the services of recruiters to ensure continued employment.

2. Recruitment practices and human rights

18. The practices of unethical recruiters and their subagents sit on a complex spectrum of human rights violations. Such recruiters commonly exploit migrants, directly or indirectly, at every stage of the migratory process. Additionally, some unethical recruiters also can perpetrate and/or facilitate a range of broader human rights abuses with impunity. The patterns of these violations differ between recruiters, countries and different groups of migrants and are not fully understood due to a lack of coherent and disaggregated data. Significant suffering, however, unites the experience of many low-wage migrants who utilize the services of unethical recruiters.

19. As discussed below, economic exploitation of migrants can include charging large fees for recruitment services, which can force migrants into situations of effective debt bondage and forced labour; changing the terms of employment agreed in countries of origin; and facilitating employment in exploitative labour conditions. Recruitment is the first stage of the migration process. The already precarious situation of the migrant is aggravated by unethical recruitment practices of unscrupulous recruiters who focus on profit maximization at any cost. This contributes to millions of individuals being highly vulnerable to other multiple and severe abuses of their rights, including: trafficking; violence, including sexual violence, particularly directed towards women; restrictions of freedom of movement; racism and xenophobia; and denial of the right to remedy for violations.

Severe economic exploitation

20. Economic exploitation begins as migrants decide to leave their home country and migrate to countries where there are possible economic opportunities. Unscrupulous recruiters charge large fees for facilitating work opportunities for

migrants that can amount to up to $15,000.[2] These fees are often for poorly paid economic opportunities; jobs that are dramatically different from those agreed by the migrants at home; and in some cases non-existent roles.

21. Responsible recruitment agencies charge fees for their services not to the workers but to the employer, in a business-to-business transaction. Migrants often seek work abroad because of their desire to overcome poverty and a lack of decent work opportunities in countries of origin. The decision to migrate can often be driven by extremely difficult economic circumstances and/or a shock, such as loss of land and/or employment, debt reaching unsustainable levels, family breakdown, the loss of a spouse, and/or family illness. Research undertaken by the ILO suggests that women sometimes have a less favourable socio-economic status and discrimination in countries of origin, meaning they therefore enter the migration process in the most precarious positions.

22. Given the precariousness of the migrants' position when beginning the migration process, they often do not have spare resources to pay recruitments fees, which can amount to more than two years' worth of wages. They therefore are forced to take out high compound interest loans (with rates reported to range between 5% and 80%)[2] to pay these recruitment fees. Migrants may sign over the deeds of their property to secure these loans. As these fees and the commonly resulting debt further increase the precariousness of the migrants' situation, they can lead to migrants becoming trapped in situations of bondage and forced labour. Debts can also severely restrict the ability of the migrants to save wages and/or provide remittances to family members in countries of origin, thus undermining the benefits of migration.

23. Unfortunately, the economic exploitation of migrants is not limited to paying recruitment fees. There are reports of agents facilitating severe mistreatment of migrants within the labour market in countries of destination. It is not uncommon for migrants to have no control over the countries that they go to, let alone the specific sector or employer. Contract substitution, whereby migrants arrive in countries of origin and are faced with jobs and working conditions dramatically different from those agreed upon in the country of origin, is also commonplace. Additionally, migrants have reported non-payment of wages, unspecified deductions from wages, and irregular wage patterns. Working conditions can also often be dangerous and dehumanising for migrants. Recruitment agents and subagents can also continue to play an exploitative and abusive role towards migrants in countries of destination, as discussed above.

24. The working conditions of low wage migrant workers have been exemplified by a number of the Special Rapporteur's country visit reports and his report on labour exploitation to the Human Rights Council. The report following the Special Rapporteur's visit to Qatar in 2013, highlighted: the lack of a minimum wage within national legislation; the frequent non-payment of wages or irregular wage patterns; migrant workers living in overcrowded and materially challenging conditions; a lack of access to health-care services owing to the failure of employers to issue identity cards; concerning levels of workplace accidents and deaths; and migrants being forced to remain with employers, despite abuse, because of their refusal to legally release them under the kafala system.

[2] Institute for Human Rights and Business (K. Jones), 2013, "Fees and IDs: Tackling recruitment fees and confiscation of workers' passports", London, IHRB.

25. During his 2012 visits to Italy, the Special Rapporteur learned that the wages received by migrant workers, often employed within the agricultural sector, were often not sufficient to maintain an adequate standard of living. Reports suggested migrants were being paid €20 or less for 10 hours of difficult manual work. Complete impunity appeared to surround the situation of these workers, who were being exploited by landlords and employers to benefit the Italian economy.

3. Broader human rights violations

26. Unfortunately, the abuses of migrants' rights go far beyond the significant economic exploitation that is commonly experienced. Unethical recruitment practices can facilitate a broad spectrum of interrelated and mutually reinforcing human rights abuses.

27. It is common for migrants recruited from abroad to have severe restrictions placed on their freedom of movement in countries of destination. Exploitative employers, facilitated by recruitment intermediaries, will often restrict the ability of migrants to switch employers and/or leave the country to return home, increasing their dependence and willingness to complete tasks in poor conditions for low wages.

28. Violence and intimidation are also perpetrated against migrants by both unscrupulous recruiters and employers. Such violence can be used as a method of control over migrants who challenge their treatment during the migration process, in the workplace in countries of destination, and in pre-departure training centres and accommodation. It has been reported that supervisors within companies or domestic households employing migrants, will exert violence if migrants do not perform their work functions as expected. Sexual harassment and sexual violence are particular risks faced by female migrants working in different sectors. Private agencies recruit many female migrants to work within domestic households, which operate outside the formal economy and in many countries are excluded from labour law protections. Female migrant workers are therefore left in an extremely precarious situation, working behind closed doors, heavily dependent upon their employer, and without any formal protection mechanism. Female migrant workers in such situations have reported incidences of violence, including sexual violence.

29. The precariousness of the situation of migrant workers can additionally lead to abuses of their economic, social and cultural rights. Housing can often lead to various human rights issues. In cases where employers offer housing, this can be used as an opportunity for further exploitation, as migrants are easier to control than local labour. In other cases, exploitative employers in countries of destination provide housing but this can be used to further control and exploit migrants, as it makes them readily available to perform work. In other cases, migrants can be left to finance their living and food costs independently. The need to minimize costs can lead migrants to live in extremely poor housing conditions, with many living in accommodation lacking basic infrastructure and services, including sanitation, electricity and potable water. Recruiters and subagents can also play a role in arranging and charging for housing, which can further increase their control over and exploitation of migrants. Access to other forms of social protection can also be problematic for migrants. Some migrants have access to healthcare provided through their employment, but this is highly variable, leaving many highly vulnerable if they experience problems with their health.

30. Migrant workers in already precarious situations can find themselves further socially isolated and vulnerable because of racism and xenophobia towards them in destination countries. Migrant workers commonly make huge sacrifices to seek work abroad and bring benefits to countries of both origin and destination. In destination countries, migrants meet the demand for cheap labour in sectors that often cannot attract nationals for the same pay and conditions, increase demand for goods and services, and pay taxes. However, these benefits are rarely acknowledged within public discourses about migrant workers that conceptualize migrants as short-term workers and often legitimize racist and xenophobic attitudes from employers and citizens. These attitudes can lead to incidences of racism and xenophobia towards migrant workers, in both the workplace and broader society within countries of destination.

31. Systemic barriers to access to justice can compound abuses of migrants' rights. A number of human rights standards, including the International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, recognize that everyone has the right to an effective remedy from the competent national tribunals for acts violating the fundamental rights granted to him or her. Despite these international protections, many migrants face serious barriers to accessing remedies when they are exploited and abused within and as a result of the recruitment process. These barriers include: lack of local language skills; limited knowledge about rights and means of remedy; geographical constraints; restrictions of migrants' freedom of movement; fear among migrants of retaliation or economic losses if they make complaints against recruiters; long processing times for complaints; a general practice of recruiters of deliberately avoiding giving migrants documents that could prove payment of fees; fragmentation of different rights across various judicial and non-judicial mechanisms; the growth of non-judicial remedies; and a lack of legal aid.

32. Countries of origin can add to their nationals' difficulties as missions may show reluctance to support their pursuing judicial remedies, so as not to impact their competitiveness on the international labour recruitment market.

III. The political economy of international labour recruitment

33. Abuses of migrant workers' rights cannot be viewed as isolated incidences that take place in a vacuum. The political economy related to international labour recruitment is complex and it is essential to understand the relationship between systemic economic factors and labour recruitment to be able to develop a process that better protects the rights of migrants.

A. Unethical recruitment and development impact

34. Widespread unethical recruitment practices have a significant impact on the systemic development benefits of labour migration. As recognized within the post-2015 sustainable development framework, the developmental impact of labour migration is huge. In 2013, migrants sent approximately $404 billion in remittances

back home.[3] Research shows that labour migration of low-wage workers can bring the biggest gains in poverty.

35. Unscrupulous recruiters take significant resources away from migrants, through the charging of recruitment fees and broader economic exploitation, thus effectively disempowering the poorest within the global economic system. It is not uncommon for these fees to fund corrupt business practices among unethical recruitment agencies. Reports have suggested that unethical recruiters have used money gained from recruitment fees on illegal activities such as prostitution, drugs and the funding of the electoral campaigns of specific political parties. Therefore, the resources that are being diverted away from migrants and global poverty eradication, is being channelled into illicit activities.

36. The development impact of labour migration is not limited to remittances. It also has the potential to support sustainable development through upskilling workers who are able to make additional contributions to their home countries upon return. As well as exploiting and abusing migrants, unethical recruitment is also often ineffective in placing workers in roles that suit their skills and needs, as it is based on a model of narrow and short-term profit maximization. There are reports of recruiters placing people medically unfit into roles; using underage workers; and matching people to positions at odds with their skills. If specific labour needs are not met with appropriately skilled workers, the development impact achieved through upskilling migrants is limited.

B. The economic inefficiency of the current recruitment model

37. Recruitment is the beginning of the entire migration cycle. Matching the right workers with specific labour needs is vital to the efficient and equitable functioning of both the migration process and labour markets in countries of destination. If migrant workers are unsuitable for the roles where they are placed, then the recruitment and migration process often must start again and/or migrants are forced to try to complete tasks for which they are either fundamentally not suited or adequately trained. When this myopic approach to profit maximization is replicated on a large scale, it creates significant inefficiency within migration processes, businesses and supply chains, as well as the overall economy of destination countries. Considering the number of migrant workers employed in certain countries, the loss of productivity due to the mismatching of labour skills and needs can be enormous over the long term.

38. When migrants pay recruitment fees, the economic incentive for recruiters to invest time and energy in the proper placement of migrant workers is limited. The profit of recruiters is not dependent upon the successful matching of skills and needs, as their business model is based on increasing the number of migrants placed. If a work placement breaks down, recruiters can actually benefit further, as migrants may be compelled to sign and new contract for their services or new migrant workers may be needed, thus churning more benefits for the whole recruitment chain (agents, managers, people selling sponsorship or access to visas, for example). This ensures a vested interest by these key stakeholders in maintaining the current unethical arrangements.

[3] A/69/302.

C. Economic adaptation to abuse and exploitation

39. As the economic exploitation and human rights abuse of migrant workers become entrenched, the suffering of migrants is becoming integrated into the economics of globalization in a number of ways. First, if prices of goods and/or services are dependent upon a supply of cheap labour, then there is a strong price incentive to continue the exploitation and abuse of migrants. Ethical recruiters struggle to compete within a system that has adapted to wholesale and systematic suffering; a vicious cycle of exploitation continues.

40. Secondly, the systematic use of exploitative labour and the related human suffering are also becoming part of our conceptualization of economic development. As countries accelerate their gross domestic product growth and build their infrastructure based on cheap labour, international migration of low-wage workers can be embraced as a force for development without the due attention on the human rights of migrants themselves. This can be seen, for example, with how temporary migration schemes are frequently discussed in international forums, such as the Global Forum on Migration and Development, as positive examples of flexible labour supply responding quickly to economic demands, despite numerous examples of very negative consequences in terms of human rights owing to the structural precariousness created by such temporary migration mechanisms.

41. Destination States accept and therefore become complicit in this economic normalization of exploitation and abuse of migrant workers because of a desire to remain globally competitive. Many examples of barriers to access justice for migrant workers can be given: ineffective labour inspection (in one country visited by the Special Rapporteur, labour inspectors never met with the migrant workers themselves), lack of legal and administrative information, absence or even prohibition of unionization, lack of competent legal representation, lack of legal aid, and the fragmentation of remedies across different parts of the legal system (including private dispute resolution mechanisms), to name a few.

42. States of origin can also fail to negotiate adequate protections for their nationals because of power imbalances between countries. Examples have been reported of States of origin which requested better treatment for their nationals only to see the number of their citizens being accepted as migrant workers drop: host States will play one country against another in order to obtain the least constraining labour conditions possible. States of origin may also prefer not to request better conditions for their nationals in order to avoid threatening the flow of remittances and the upskilling of workers which both contribute to their development.

43. Migrants themselves make a realist assessment of the options offered to them and factor the recruitment system into their migration project, thus accepting the negative incentives and barriers it creates and further embedding the normalization of exploitation and suffering. Their choices are limited, as their immediate objective is sending money home to repay the debt and put bread on the family table. They perceive recruitment fees as a necessary cost of their migration project since they are legal and/or systematic in many countries and thus strongly normalized. Moreover, considering their precarious status that can often be terminated without notice by the employer, migrants' favourite strategy in the face of adversity is to "move on" and accept losses, with the hope of gaining in the next phase. Temporary migrant workers usually do not protest, contest or mobilize to challenge the

exploitation they suffer, as they fear retaliation from recruitment agents and employers: they cannot afford being fired and sent back home or being barred from future work abroad, as this would mark the end of the migration project in which so much has already been invested.

44. Moreover, the redress mechanisms that exist in labour law systems are most often complaint-based: the onus is on the migrant herself to bring forward a complaint about her exploitation. If migrants do not complain, little can be done to provide effective redress.

IV. Shifting the bottom line: wholesale transition to an ethical system

45. These economic dynamics and the perverse incentives they create make wholesale transition to an ethical system vital. If transition to more ethical recruitment practices is voluntary and/or piecemeal, the companies least responsive to change will gain a competitive advantage by being able to maintain prices that are based upon the suffering of migrants.

46. While the impossibility of rewriting international labour recruitment practices overnight is acknowledged, Governments can achieve wholesale change through approaching the problem from a systemic and holistic perspective, and integrating the perspectives of migrants, private sector organizations and civil society into the development of a range of legal and policy interventions. The issue of international recruitment practices and the impact on the human rights of migrants is gaining increased attention within international debates about human rights, migration and sustainable and equitable development. Governments, businesses and civil society organizations are becoming more sensitized to the complex issues and there are examples of good practices in relation to government laws and policies, regional cooperation, and private companies, as discussed in the **annex available on the Special Rapporteur's website.** It is vital to build upon these elements of progress, in order to nurture, within the political class, the moral compass and the political courage necessary to transform the treatment of migrants during recruitment.

47. Creating this wholesale shift cannot be achieved by tackling separate elements of the problem, or working exclusively with limited stakeholders groups. It requires a comprehensive range of initiatives that tackle the root causes and structural elements of current practices over the short, medium and long term. It must include the perspectives of all stakeholders: migrants, civil society, private sector, governments, and international organizations.

48. Transition to an ethical system should be based upon the United Nations Guiding Principles on Business and Human Rights and the wealth of human rights instruments, labour standards and soft law norms.

49. The key elements of such a transition are discussed below, including relevant current examples of good practices that should be built upon, and followed by detailed recommendations for States Members of the United Nations, international organizations and private sector organizations.

A. Effectively banning recruitment fees

50. A key element of transitioning to an ethical system is an outright ban on any recruitment fees being charged to migrants. Recruitment fees are a business-to-business charge and it is unacceptable to pass such costs to often vulnerable migrants who have to take out loans to pay these fees.

51. There is currently, in many countries, a complex, confusing and ineffective system of tiered fees, whereby, under the law, recruiters may charge different fees to different migrants depending upon the wage level of the opportunity offered. These limitations on fees are not effectively enforced with migrants often being charged more and/or deceived about the terms and conditions. Legislation to try to limit the fees also inappropriately legitimizes the concept of charging recruitment fees to migrants. Outright bans on recruitment fees avoid complexity and confusion, and contribute to the cultural shift needed to stop migrants accepting fees as an inevitable cost of labour migration. Countries acting collectively as regional or international blocs should totally ban recruitment fees at the same time, so as to ensure that concerns about international competitiveness do not impact wholesale transition to an ethical system.

52. As legislators and regulators, Governments have a key role to play in the effective banning of all recruitment fees among migrant workers. They should ban fees in law and ensure that effective monitoring and regulation processes are in place to effectively implement the policy of "no recruitment fees". Nepal's zero-cost migration policy is an example of a Government taking a stand against current recruitment practices. From summer 2015, they will no longer approve migrant workers working in countries where employers will not pay their visa and airfare fees. The Ministry of Labour and Employment recently asked Nepal's embassies in Malaysia and six Gulf countries (Saudi Arabia, Qatar, Kuwait, United Arab Emirates, Bahrain and Oman) to stop attesting applications submitted by employment companies demanding Nepali migrant workers unless they were willing to pay their ticket and visa fees.

53. Additionally, businesses can support a transition to a total ban on recruitment fees. Increased media coverage of supply chain issues and labour market abuses, pressure from trade unions, and activism within civil society now join to make companies more aware of the reputational and legal risks associated with exploitative labour practices. Institutional investors are also increasingly using a range of ethical practices including labour supply, when screening company risk with a view to both reputational and operational efficiency. There are a number of actions that businesses can take to mitigate these risks and support wholesale transition to an ethical system, including conducting thorough audits of their supply chains to ensure that their contractors and subcontractors do not work with recruiters who charge migrant workers fees. This should include a commitment to ensuring no recruitment fees are paid by migrant workers within high-level policy commitments, refunding any fees paid by migrants, and collaborating with other business stakeholders to mobilize resources to protect workers.

54. Examples of current good practice in relation to business practice and the banning of recruitment fees include:

- Ethical recruiters, such as FSI International, never charge recruitment fees to migrants

- The International Confederation of Private Employment Agencies is an association of recruiters committed to promoting international fair recruitment practices. It participates in several projects to promote ethical recruitment practices and crucially has a code of conduct that members must uphold, which includes a principle that recruitment services should be free of charge to job seekers
- The Global Business Coalition Against Human Trafficking was established in 2011 by business leaders "to mobilize the power, resources and thought leadership of the business community to end human trafficking, including all forms of forced labour and sex trafficking"
- Some large multinational companies at the top of the supply chain, make efforts to detect illegal recruitment fees and repay them to migrant workers
- Some companies include a substantial focus on migrant workers' rights within their internal policies. For example, a large beverage company has publically committed to a policy of migrant workers not paying recruitment, placement or transportation fees, including those in the country of origin[4]
- The global civil society Open Working Group brings together a range of resources on migrant workers and recruitment and makes no fees a key priority for advocacy.

B. Effective regulation and oversight

55. Effective regulation and monitoring of recruiters is necessary to effectively implement a ban on recruitment fees and to remove the impunity with which unethical recruiters exploit and abuse migrant workers. Monitoring and oversight needs to be multidimensional to address the complex dynamics and different elements of labour recruitment. Effective licensing of recruiters in countries of origin and destination is essential, as is developing a reliable rating system for recruiters that assess their business practices in relation to human rights and labour standards. Creating appropriate independent licensing and monitoring bodies that can work with one another across national borders and equalize regulatory standards is essential.

56. Monitoring and oversight needs to extend to the treatment of migrant workers in the labour markets of destination countries. Effective labour inspection is vital to providing these protections. Labour inspectors should undertake thorough and regular unannounced inspections in all worksites, including private homes in the case of domestic workers, and ensure effective enforcement of labour laws in favour of all workers whatever their immigration status, including through regularly speaking directly with migrant workers (using competent and independent interpreters when necessary) and reviewing their contracts, making sure that they are allowed to keep their passports, are issued with identity documents, are paid all that they are due on time, and benefit from proper housing conditions.

57. Examples of independent monitoring mechanisms capable of identifying abuse and exploitation, such as systemic value-chain auditing and other investigative systems by competent independent bodies (such as auditing firms), including

[4] See footnote 2.

through systems based on complaints from unions, national human rights institutions, ombudspersons or civil society organizations, have been discussed but rarely put in place effectively: more work is needed.

58. States should also ensure that their judicial system is able to tackle labour exploitation issues in a competent and timely manner: as well as providing access to justice for individual migrants; strengthening the role of the judiciary helps to build respect for the overall rule of law in relation to labour recruitment.

59. Part of this monitoring and oversight is investment in effective data collection systems. An important step in a transition to an ethical system would be to include the gathering of disaggregated information about recruitment practices as an integral part of the development of metrics associated with the post-2015 sustainable development goals agenda.

C. Filling gaps in the legal and policy framework

60. Above and beyond banning fees, the development and harmonization of the legal and policy frameworks relating to recruitment is needed to transition to a wholly ethical system. Reform should include the ratification and full implementation of all international human rights instruments, including the two 1966 International Covenants on Human Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as relevant labour standards, including the 1997 ILO Convention on Private Employment Agencies (no. 181), and soft law principles such as the Dhaka Principles. All of these standards apply to all migrants irrespective of their legal status and also include duties for States to protect individuals from third-party violations of their human rights.

61. Reform should include the abolition of sponsorship systems, the standardization of contracts for migrant workers and the legal requirement for recruitment agencies to formally establish relationships with subcontractors.

62. A key step in the development of the policy framework needed to implement legal reform would be the preparation of multi-stakeholder action plans. The development of country level and regional action plans on efforts to tackle exploitative and abusive recruitment practices could bring together the views of civil society organizations, Governments, the private sector, migrants, international organizations, and regional dialogues, in order to articulate a clear vision for an exclusively ethical system. Given the hugely complex nature of recruitment for international labour migration, such actions plans could play a vital role in improving policy coherence across the system.

D. International and regional cooperation

63. International and regional cooperation is essential to transition to an ethical system as the playing field must be levelled in order to make progress. No one country will be able to end exploitative and abusive recruitment independently. In addition, as discussed above, the dynamics of the international political economy relating to recruitment practices make collective action vital. Sharing intelligence about unscrupulous recruiters among different countries in a systematic way which

can be fed back to the national regulation and licensing system, developing bilateral migration agreements grounded in human rights norms, and considering action on recruitment fees to level the playing field are all ways that international and regional cooperation can be used to enact wholesale change towards an ethical system.

64. The regional consultative processes are an example of regional and international cooperation that should be used to further protect the human rights of migrants, as shown by the Colombo Process, which has been advocating a standardized labour contract. These regional forums bring together representatives of States, international organizations and, in some cases, non-governmental organizations for informal and non-binding dialogue and information exchange on migration-related issues of common interest and concern. There has recently been work to extend dialogue between different consultative processes to facilitate more cooperation between countries of origin and destination.

E. Empowering migrants

65. Migrants themselves are resourceful agents within the migration process. Through their vast collective numbers, they have the potential to be a powerful asset in the transition to an ethical system. Empowering migrants through information and support can harness this potential and resourcefulness to drive progress towards a system of fair and ethical recruitment. Migrants must understand their rights, and be empowered to make decisions about recruiters based upon robust intelligence about different actors in the market. Information needs to be readily available, in languages that migrants can understand, at every stage of the migration and recruitment process.

66. There are a number of good-practice examples in relation to information sharing among migrant workers, including:

- The International Recruitment Integrity System, an international voluntary "ethical recruitment" framework facilitated by the International Organization for Migration, will allow migrants to access recruiters who have been voluntarily accredited according to ethical recruitment standards and to share information about unscrupulous recruiters
- Contratados.org is a ratings site, which allows migrants to review recruiters and employers and share experiences of labour recruitment. It currently focuses on low-wage workers from Mexico to the United States of America but there are plans to expand it.

F. Integration of migrants in countries of destination

67. Recognizing migrants as rights holders, acknowledging the benefits that they bring to destination countries and facilitating their integration into society is key to instituting a system of fair recruitment for international labour migration. Failing to recognize the huge value of migrant workers and to support their integration legitimizes abuse and exploitation.

68. There are a number of different ways that destination countries can support the integration of migrants into society. Facilitating access to justice, without fear of

detection, detention or deportation, in order to help migrants fight for their rights, would go a long way towards legitimizing human-rights-based migration policies, by showing that territorial sovereignty and human rights are not incompatible. Ensuring that migrants can access basic social protection services irrespective of their migration status would significantly reduce the precariousness of the migrant situation. Tackling racism and xenophobia through fact-based analyses is another important step towards the integration of migrants in countries of destination. Additionally, offering access to permanent residency and citizenship would not only have a practical impact of increasing the migrants' sense of belonging and security in the country of destination, but would also be a powerful symbolic gesture recognizing the role and value of migrant workers in the development of the country of destination.

69. Such measures should be integrated through a comprehensive public discourse in which politicians recognize mobility and diversity as central elements of contemporary democratic societies, thus providing moral, intellectual and political leadership on such complex issues.

G. Engaging with the private sector

70. The private sector is a key actor in relation to the recruitment practices impacting the human rights of migrants. Recruiters are private entities, as are the companies to which they supply labour. The practices related to recruitment of migrant workers also impact businesses that may not directly contract migrant workers, depending upon the reach and management of their supply chain.

71. There is a strong business case for transition to an ethical system, including the reduction in reputational and legal risk, and greater efficiency and productivity gains within business operations and the extended supply chain. Governments, international organizations and business associations must use this business case alongside key international legal and policy standards to engage with and sensitize the private sector to the key issues and the steps needed to achieve wholesale transition to an ethical system.

72. An example of good practice in relation to engaging with the private sector is the International Recruitment Integrity System, the ethical recruitment framework discussed above: it provides information to migrants; it is a platform for dialogue between stakeholders from across the private and public sectors; and it allows recruiters to commit to not charging any recruitment fees, not confiscating passports from migrants, and ensuring transparency within the labour supply chain.

V. Conclusions and recommendations

73. **The business practices of unethical recruitment agencies are complex and opaque. These practices and the human rights consequences for migrants differ between countries, recruiters and sectors. However, economic exploitation, violence and intimidation unite the experiences of many migrant workers who have used unethical recruiters. It is clear that this human suffering is endemic and perpetuated by a range of systemic failures and perverse economic and political incentives.**

74. **A complex network of actors is involved in the current system of recruitment for low-wage economic migrants, including: many different components of the State architecture in countries of origin and destination, recruiters themselves, subcontractors of recruiters, employers, direct contractors of employers that use migrant workers, parent companies and other business entities further up the supply chain, domestic households, trade unions, business associations, civil society organizations, workers themselves, friends and families of migrants, and regional and international organizations. The complexity of the network of all those involved, and the opaque and underground way in which unethical recruitment takes place, makes it difficult to fully understand the system and to develop clear accountability for the rights of migrants.**

75. **While wholesale transition to an ethical system is undoubtedly challenging, it is not beyond the moral agency of Governments to facilitate such a change. Businesses do not operate in a vacuum that is outside the control of sovereign Governments. Governments set the regulatory and legal environment in which private entities can undertake their activities. Voluntary private compliance is not enough to protect the rights of migrants and sustained political will is needed to ensure that Governments use their legislative, policymaking, investigative and judicial powers to protect the rights of individuals regardless of nationality.**

76. **Based upon an enlightened conceptualization of economic growth and of efficient labour markets, and of their normative framework and human rights and labour law commitments, States must individually and collectively utilize their capacities to shift the bottom line and progressively nurture an exclusively ethical system of recruitment for global labour migration.**

A. Recommendations to Governments

Overall migration policies and recognition of the push factors

- **Develop whole-system, human-rights-based frameworks for overall migration and border management that take into account the rights and needs of migrant workers, and the benefits of organized mobility, and incentivize regular, open and facilitated labour migration**
- **Recognize the push factors related to precarious labour migration and, within the context of the post-2015 sustainable development goals agenda and other international and national policy initiatives, promote decent work opportunities for people at home. Decent work will empower people to make informed decisions about whether to seek work overseas and deal with recruitment processes from a position of choice**
- **In further recognition of migration push factors, invest in sufficient social protection systems in countries of origin to ensure that poverty, and/or economic or environmental shocks do not force people into precarious labour migration**

Banning recruitment fees

- **Develop measures in consultation with all stakeholders, including migrants and civil society, to create an outright ban on the payment of all types of recruitment fees by migrants. Ensure that the impetus of the implementation of this ban is on Governments and that migrants are not economically penalized if they admit to having paid a fee**
- **Consider options for collective action to totally ban recruitment fees to level the playing field and ensure that concerns about international competitiveness will not impact wholesale transition to an ethical system**
- **Include advocacy of the business case for responsible recruitment practices that prohibit recruitment fees in engagement with the private sector, and involve business associations in the promotion of such a business case**

Strengthening the overall legal and policy framework in relation to recruitment practices

- **Standardize contracts for migrant workers within different sectors and at different skills levels. Labour contracts based on such a standardized model should specify the job description, wages and labour conditions**
- **Ensure the total elimination of wage discrimination on the basis of nationality**
- **Abolish "sponsorship" systems whereby migrants are dependent on their employers for residence visas and work permits, and thus vulnerable to abuse and exploitation**
- **Develop legislation that regulates the relationship between recruitment agencies and their agents, their subagents or other forms of subcontractors, such as testing centres. Recruiters should have formal business arrangements in place with all agents and subagents that articulate a clear structure of accountability and liability for business practices**
- **Ensure that the relevant provisions within labour laws and regulation cover all sectors. Ensure that special attention is given to sectors that typically operate outside formal labour regulation, such as domestic work**
- **If not already done, ratify all 10core international human rights instruments, including the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**
- **Ratify and enact into law the other key international legal standards protecting migrant workers, including ILO Conventions no. 87, 97, 143, 181 and 189, and the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Forced Labour Protocol. Human rights and related labour standards apply to all migrants at every stage of the recruitment process, and are not dependent upon being a citizen of a sovereign territory**

- **Ensure implementation of the 2011 United Nations Guiding Principles on Business and Human Rights, by taking concrete steps to implement the United Nations "Respect, Protect and Remedy Framework" in relation to migrant workers**
- **Develop country-level and regional policies on tackling exploitative and abusive recruitment practices, which bring together the perspectives of the multiple stakeholders involved in the recruitment process, articulate a clear vision for eliminating abuse and exploitation, and precisely define the roles and responsibilities within the complex network of actors who contribute to international recruitment**
- **Invest in the effective evaluation of policies relating to recruitment fees and migrant workers to ensure robust and evidence-led policymaking at the national, regional and international levels, including through external independent auditing mechanisms**
- **Examine examples of good practice within the current system, and develop strategies for how these can be replicated and built upon to support wholesale transition to an ethical system**
- **Ensure that strong gender analysis is included within all laws and policies to ensure protections for the additional vulnerability of many female migrant workers. Such protections should, however, never limit the economic opportunities or freedom of movement of women**

Effective regulation, oversight and enforcement of the law

- **Develop fully robust, transparent and publically accountable licensing systems for recruitment companies. Recruitment companies seeking licences must be subject to rigorous human rights and labour law due diligence. Companies licensed to provide recruitment services to migrants should be subject to ongoing regulation and monitoring in relation to human rights impact**
- **Require recruitment agencies who facilitate the employment of migrants abroad to be licensed in both countries of origin and destination in order to ensure more effective bilateral oversight of recruitment practices**
- **Revoke the licences of recruitment agencies that charge fees to migrants and/or are proven to have abused the human or labour rights of migrants. Licences should be subject to regular renewal with compliance with human rights obligations being essential for reissuing of licences**
- **Ensure controls are in place to prevent the re-registration of unscrupulous agencies following having had their licence revoked. Develop a rating scheme, which assesses the conduct of recruitment agencies against human rights and labour standards, so that migrants are empowered to avoid unscrupulous agents and there is a market incentive for agencies to comply with human rights and labour rights**
- **As part of this rating scheme, develop and maintain a blacklist of unethical agencies, which exploit and/or facilitate broader human rights and labour law abuses**

- **Invest into whole-system improvement in the labour inspections in countries of destination workers. Labour inspectors must interact with migrant workers, and, where necessary, be accompanied by interpreters in languages understood by migrant workers**
- **Train labour inspectors in human rights and labour standards, and in indicators of exploitation. Develop clear and effective accountability mechanisms that can be used by labour inspectors to follow up on such human rights and labour law violations**
- **Conduct systematic checks to ensure that recruiters and employers do not confiscate the passports and other identity or travel documents of migrant workers**
- **Ensure that labour inspection is extended to all sectors that employ migrant workers, including domestic work in private houses**
- **Explore e-government solutions to ensure an early and effective registration of migrant worker contracts and the prevention of contract substitution in the country of destination**
- **Ensure that actions following the detection of unethical recruitment practices never economically or criminally penalize migrants**
- **Destination countries should invest in opening satellite offices of labour ministries and in working with local authorities in countries of origin, in order to support the implementation of an ethical recruitment system. These offices could conduct joint information campaigns, register and monitor the labour contracts of migrant workers and provide joint oversight of the recruitment chain**
- **Develop a regulatory environment that supports the unionization of all workers, including migrant workers, and the vital role that trade unions can play in the protection of the human rights and labour rights of migrant workers**

Regional and international cooperation

- **Develop bilateral agreements on labour migration between countries of destination and origin, which are based on international standards and prioritize the full implementation of the human rights and labour rights of migrants and fully incorporate the voices of both migrants and civil society**
- **Continue dialogue through the regional consultative processes, ensuring that it is guided by the long-term, holistic thinking that is needed to achieve the whole-scale transition to an ethical recruitment system**
- **Ensure systematic sharing of intelligence within regional networks about recruitment agencies that exploit migrant workers. Create effective feedback loops from this regional information-sharing into licensing and monitoring systems at the national level**
- **Collaborate regionally on models of monitoring and oversight that tackle the specific challenges and practices experienced by migrant workers in countries of origin and destination within regional groupings**

- **Share good practices and intelligence on recruitment agencies between the different regional consultative networks. Consider seeking technical assistance from the International Labour Organization and the Office of the United Nations High Commissioner for Human Rights to support the wholesale transition to an ethical recruitment system, in line with core international human rights and labour standards**

Access to justice

- **Remove barriers to access to justice, ensuring that migrants can effectively — and not simply on paper — access a legal remedy for violations of their rights in the context of recruitment practices and labour migration**
- **Access to justice should primarily be through judicial and quasi-judicial means and should not be reliant only on voluntary or private forms of remedy, which often do not provide adequate compensation to migrants or effectively punish rights violators**
- **Strengthen the capacity of the independent judiciary to provide access to justice for migrant workers who have been exploited by recruiters and punish perpetrators in such a way that creates real and lasting disincentives for the mistreatment of migrants**
- **Consider the development of specialist tribunals to ensure access to justice for migrant workers. Such specialist provisions would allow for the individual needs of migrants to be met, and for the development of a systemic view of rights violations related to labour migration and recruiters**
- **Involve other actors that are important for ensuring an effective access to justice for all migrant workers, such as: labour inspectors, social workers, national human rights institutions, ombudspersons, unions, among others**
- **Make easily available all the services necessary for ensuring effective access to justice for all migrant workers, such as legal aid, interpretation and translation services, information about rights and available remedies, as well as humanitarian visas to return to destination countries to testify and otherwise pursue justice. Bilateral agreements between countries of origin and destination should address the provision of such services**
- **Support unionization and a realization of the rights to free of association and assembly, as a way to empower migrants and allow them to access justice**
- **Develop effective and accessible mechanisms for migrants to recover improper recruitment fees from employers and recruiters**

Empowering migrants through information and support

- **Make the ratings of recruitment agencies, including information about blacklisted agencies, available to all migrant workers. Disseminate this information in accessible formats (such as Internet and mobile phone-based services), ensuring translation to all relevant languages**

- **Invest in the development and dissemination of information on access to justice for migrant workers, so that they are aware of their rights and potential avenues for support and remedy if they are subject to exploitation by recruitment companies**
- **Increase and improve pre-departure training and information in order to promote informed decision-making and enhance the skill levels of prospective migrants, including language and general skills**
- **Ensure that consular support is always available to migrants in countries of destination, so that they are able to access information and assistance about finding alternatives to exploitative situations, and gaining access to justice and social protection services**
- **Increase the capacity of labour attachés within missions in countries of destination, in order to allow them to increase the scope of their work and give more attention to combatting the practices of unscrupulous recruiters**

Integration of migrants in countries of destination

- **Include basic entitlement packages (food allowances, kitchen facilities, safe drinking water, size and quality of the living quarters, medical coverage, among others) as a necessity for migrant workers within the laws governing contracting labour**
- **Ensure that migrants can, when in situations of difficulty, access government facilities such as housing and health services**
- **Create firewalls between government services, such as courts, labour inspectors or health-care services, and immigration enforcement, in order to empower migrants to access basic services without fear of deportation**
- **Create an environment that is conducive to unionization and allows migrant workers to exercise their freedom of association, assembly and collective bargaining**
- **Through fact-based analyses and long-term thinking, challenge and fight representations of migrants that encourage racism and xenophobia and increase their social isolation and the precariousness of their situation**
- **Integrate these analyses in the political discourse, as well as in public communication strategies and education curricula**
- **Ensure that acts of racism and xenophobia against migrant workers, both within the labour market and broader society, are fully investigated and prosecuted through the judiciary**
- **Develop mechanisms whereby longer-term migrant workers, who make a valuable contribution to the economies of destination countries, whatever their skill level, are able to access opportunities for permanent residency and citizenship**

Engagement with the private sector

- **Work with the private sector to ensure that a full understanding of the real needs and gaps with the labour market is reflected in the development**

of overall migration management systems, based on human rights standards

- Work with the private sector more broadly to ensure that their perspective is included within legal and policy debates
- Further sensitize private organizations about the human rights implications of business practices and support them in implementing the United Nations Guiding Principles on Business and Human Rights in relation to recruitment practices
- Include international business associations and trade unions, as well as the ILO, in dialogues with the private sector to utilize their reach and impact in support of transition to an ethical system of labour recruitment
- Lead by example in the development and implementation of the human rights due diligence undertaken in relation to government contracts. Prioritize and reward ethical recruitment agencies within the contracting of government work and ensure that the costs of ethical recruitment are factored into the tendering process. Have a zero-tolerance policy on the charging of fees and broader abuses of migrant workers' rights in any part of government supply chains. Ensure regular and robust independent audits to ensure compliance

Data collection

- Invest in national data collection that develops institutional understanding of migration push and pull factors, recruitment practices, and the migration patterns of nationals
- Use regional consultative processes to develop data collection and sharing at the regional level, so that trends between different countries of origin and destination are more fully understood
- Work in partnership with the relevant international organizations to further develop a collective understanding of global trends in international labour recruitment
- As an integral part of the development of the metrics associated with the post-2015 sustainable development goals agenda, ensure that data collection is joined up and coherent so it can effectively support monitoring and evaluation and provide an evidence base for effective laws and policies
- Ensure that all data collection systems include disaggregated metrics to fully understand labour migration and recruitment patterns

B. Recommendations to private sector organizations

- Ensure full implementation of the "Respect, Protect and Remedy Framework" within the United Nations Guiding Principles on Business and Human Rights, in relation to migrant workers
- Comply with all relevant international human rights and labour standards

- **Enforce a zero-tolerance policy on the payment of recruitment fees among workers**
- **Audit supply chains and ensure human rights due diligence with all contractors and subcontractors**
- **Have clear policies in place for how to tackle the detection of unethical recruitment practices within business operations and/or in the supply chain**
- **Provide a mechanism ensuring the refunding to migrants of all detected recruitment fees**
- **Refrain from the confiscation of workers' passports at all times and any other restrictions on migrants' freedom of movement**
- **Support migrant workers' rights to freedom of assembly and association and collective bargaining. Engage in fair dialogue with trade unions representing migrant workers**
- **Support the implementation of standard contract terms specifying job description, wages and labour conditions**
- **Provide all migrant workers with a range of accommodation options, including those independent of employment arrangements and recruiters, food and access to health care, while working in countries of destination. Ensure that all workplace conditions are compliant with ILO standards**
- **Integrate human rights due diligence in relation to the recruitment of migrant workers into investment decisions**
- **Through international business associations and other collaboration mechanisms, take a global leadership role in wholesale transition to an ethical recruitment system, including reform of the economic incentives that are perpetuating the exploitation of migrants**
- **Share and build upon best practices in the current system to develop new business models that are compatible with international human rights and labour standards**
- **Explicitly feature the human rights of all migrant workers in all company and trade association codes and guidance**

C. Recommendations to international organizations

- **Support Governments in developing more robust legislation, licensing systems and monitoring mechanisms, through the sharing of good practice guides and the development of robust codes of conduct**
- **Consider how more robust monitoring mechanisms for business-related violations of human rights, accompanied by concrete accountability measures, can be integrated into the United Nations human rights architecture**

- **Further encourage Governments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, ILO Convention no. 181 and other relevant standards**
- **The United Nations Working Group on Business and Human Rights should pay attention to the issue of recruitment practices and consider developing guidelines**
- **Support Member States in sensitizing the private sector on human rights abuses and implementing the Guiding Principles and other international standards**
- **Provide any requested technical cooperation to support Member States in transitioning towards an ethical system of international labour recruitment**
- **Improve coordination on the issue of recruitment fees among migrant workers across different United Nations agencies**
- **Support Governments in developing joined up data collection systems at the national, regional and international levels, which allows for a full understanding of trends and root causes**
- **Integrate concerns about the specific vulnerability of migrant workers subject to abuse and exploitation by unethical recruiters into the further development and implementation of the post-2015 sustainable development goals agenda and migration management**
- **Consider how development programming in countries of origin can address the push factors that lead migrants to seek precarious opportunities abroad. Attention should be given to the gender implications of such programmes.**